

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
An Allocation of Spectrum for the ) RM- 9267  
Private Mobile Radio Services )

**REPLY COMMENTS OF ITRON, INC.**

In response to the above-referenced Petition for Rulemaking (the "Petition") submitted by petition the Land Mobile Communications Council ("LMCC"), Itron, Inc. ("Itron") urged the Commission to take into account the special considerations that pertain to the 1427-1432 MHz band and, in light of those special considerations, to make this band available solely for use by utility meter-reading systems upon its reallocation from the Federal Government in 1999.

The comments uniformly support the fundamental premises underlying Itron's recommendation. Itron, therefore, urges the Commission to adopt its approach and to preserve the 1427-1432 MHz band for meter-reading applications.

**I. THE 1427-1432 MHZ BAND IS NOT SUITABLE FOR GENERAL PMRS OPERATIONS.**

In its comments, Itron summarized the sharing constraints that will continue to apply to the 1427-1432 MHz band after its reallocation in 1999. The comments filed by NTIA and other affected Federal agencies underscore the fact that these sharing constraints must be considered by the Commission and that they render the 1427-1432 MHz band unsuitable for most types of PMRS operations.

Specifically, while NTIA did not foreclose the possibility of PMRS-Federal government sharing, it noted the fact that Federal systems will continue to use this band at selected sites for nine years after its reallocation.<sup>1</sup> As a result, NTIA made clear that it can support sharing only under "appropriate" circumstances.<sup>2</sup>

The individual affected Federal agencies were more explicit in expressing their concerns. The Army, Navy, and Air Force "strongly oppose[d]" an allocation of the

<sup>1</sup> NTIA Comments at 3.

<sup>2</sup> Id.

1427-1432 MHz band for general PMRS operations in light of the military departments' plans to use this band, even after 1999, for the DoD Range Joint Project Office ("RAJPO") Data Link and for an Army tactical communication system.<sup>3</sup> NASA and the NSF, both of which are concerned with the continued availability of the radioastronomy band adjacent to the 1427-1432 MHz band, opposed the reallocation of the 1427-1432 MHz band for general PMRS use unless it can be "clearly demonstrated" that sensitive radioastronomy operations can be fully protected.<sup>4</sup>

The Commission should heed these concerns and not introduce any new, potentially incompatible users into the 1427-1432 MHz band. As noted in Itron's comments and as discussed below, Itron has proven its ability to share this spectrum with both Federal government and radioastronomy users. Other PMRS applications, however, are unlikely to be able to replicate this successful sharing situation. It, therefore, would not be in the public interest for the FCC to permit a broader array of PMRS users to enter the 1427-1432 MHz band and, thereby, disrupt or displace existing operations (including utility-meter reading operations) in the band and in adjacent spectrum.

## **II. THE 1427-1432 MHz BAND IS UNIQUELY SUITED TO METER-READING APPLICATIONS.**

UTC, The Telecommunications Association ("UTC"), the only party other than Itron to comment specifically on PMRS use of the 1427-1432 MHz band, echoed Itron's statements that:

- sharing constraints likely will render the 1427-1432 MHz band unsuitable for many PMRS applications;
- utility meter-reading systems have a proven history of successful sharing;
- utility meter-reading systems provide an important public benefit; and

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<sup>3</sup> Memorandum from MILDEP IRAC Members to Chairman, IRAC, dated May 22, 1998 at 2 (attached to NTIA Comments).

<sup>4</sup> Letter from David Struba, NASA Representative to the IRAC, and Tomas E. Gergely, NSF Representative to the IRAC, to Edwin E. Dinkle, Executive Secretary, IRAC, dated May 19, 1998, at 1, 3 (attached to NTIA Comments).

- therefore, the public interest would be served by continuing to permit this band to be used solely by meter-reading and similar fixed telemetry applications.<sup>5</sup>

UTC's status as the national representative on communications matters for the nation's electric, gas, water, and steam utilities and national gas pipelines renders it well qualified to comment on the benefits of devoting the 1427-1432 MHz band to utility meter-reading applications. For this reason, its recommendation should be credited by the Commission.

### **III. THE 1427-1432 MHZ BAND IS NOT A SUITABLE "REPLACEMENT" BAND FOR THE AMATEUR SERVICE COMMUNITY.**

In its Petition, LMCC recognized that the characteristics of the 1427-1432 MHz band may make it unsuitable for general PMRS use. LMCC, therefore, made an alternative recommendation that the band be reallocated to the amateur service to offset the adverse effect on that service of LMCC's proposed reallocation of the 420-430/440-450 MHz bands from the amateur service.<sup>6</sup>

The comments unanimously rejected both aspects of this recommendation. Both the amateur community and the affected Federal agencies opposed LMCC's proposed reallocation of the 420-430/440-450 MHz bands and, therefore, undermined the predicate for any reallocation of the 1427-1432 MHz band to the amateur service.<sup>7</sup> Moreover, the comments made clear that, even if the Commission were to reallocate the 420-430/440-450 MHz bands away from the amateur service, the 1427-1432 MHz band does not constitute suitable "replacement" spectrum.<sup>8</sup>

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<sup>5</sup> UTC Comments at 10.

<sup>6</sup> LMCC Petition at ¶ 78.

<sup>7</sup> See e.g., NTIA Comments at 1-2; Email from Marvin Storey, USDA IRAC Representative, to NTIADC40.NTIAHQ40 (edinkle), dated May 22, 1998 (attached to NTIA Comments); Memoranda from Richard Barth, Department of Commerce Representative, IRAC, to Edwin Dinkle, Secretary, IRAC, dated May 20, 1998 and May 22, 1998 (attached to NTIA Comments); Memorandum from MILDEP IRAC Members to Chairman, IRAC, dated May 22, 1998 at 1 (attached to NTIA Comments); Letter from David Struba, NASA Representative to the IRAC, and Tomas E. Gergely, NSF Representative to the IRAC, to Edwin E. Dinkle, Executive Secretary, IRAC, dated May 19, 1998, at 2-3 (attached to NTIA Comments); Comments of the American Radio Relay League, Incorporated; Comments of the Southern California Repeater and Remote Base Association. A large number of additional comments opposing any reallocation of the 420-450 MHz band from the amateur service were filed by individual amateur service operators and other associations of amateur service operators.

<sup>8</sup> The comments filed by members of the amateur service community rejected LMCC's proposed substitution of the 1427-1432 MHz band on the grounds that the conversion from existing spectrum to

Given the amateur service community's unanimous opposition to any move to the 1427-1432 MHz band, it would defy logic for the Commission to displace existing meter-reading operations in order to reallocate this band to the amateur service.

### CONCLUSION

For the reasons stated herein and in Itron's comments, Itron respectfully urges the Commission not to permit general PMRS use of the 1427-1432 MHz band upon its reallocation from the Federal government in 1999 but, rather, to designate this band for use solely by utility meter-reading systems.

Respectfully submitted,

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this replacement spectrum would be too expensive to be absorbed by the amateur service community and would result in the immediate obsolescence of existing amateur service equipment; that equipment for the 1427-1432 MHz band is unavailable or unreasonably expensive; that the substitute band contains substantially less bandwidth than the existing band and would not support existing applications, such as television transmissions; that the replacement band has different propagation properties from the existing band; and that government sharing constraints make the replacement band unsuitable for amateur service use.